IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 5698 OF 2006.

Bajaj Auto Employees Co-op.
Credit Society Ltd. ... Petitioner.
V/s.
Bajaj Auto Ltd., Pune ... Respondent.

Shri P.S. Dani for the petitioner.

Mrs. Swati Deshpande i/b M.S. Bodhanwala & Co.
for the respondent.

CORAM : V.C.DAGA, J.

DATEd: 27.9.2006.

P.C. :

. During the pendency of the petition, learned Counsel appearing for the petitioner has filed affidavit in reply, wherein petitioner-Society has undertaken to vacate the suit premises and hand over vacant and peaceful possession thereof to the respondents on or before 31st December, 2007.

2. Statement made in this behalf together with other statements made in the said undertaking-cum-affidavits are accepted and taken on record. In view of the statements made in the affidavit, it is not necessary to entertain this petition.

3. Learned Counsel for the respondents makes a statement that petitioner will continue to get facilities for use of the suit premises till 31st

December 2007, on the same terms and conditions on which they were getting in the past.

4. On the above set of events, now, the cause of action for Regular Civil Suit No. 170/2005 does not survive. Shri Dani submits that for want of cause of action suit itself be disposed of. He submits that formal application for disposal of the suit in terms of this order shall be moved before the trial Court in due course. The suit accordingly stands disposed of as infructuous for want of cause of action for the event mentioned herein with no order as to costs. Parties to the suit are permitted to seek formal appropriate order of disposal of suit from the trial Court within two weeks from the date of receipt of this order. The trial Court is also permitted to pass formal appropriate order showing disposal of suit in terms of this order.

5. In the result, petition stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA,J.)